

### **REMARKS**

This is a full and timely response to the non-final Office Action (Paper No. 11) mailed by the U.S. Patent and Trademark Office on February 25, 2004. Applicants respectfully submit that the pending claims are allowable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest at least the local application sharing logic of claims 1 - 7, providing a local application sharing logic configured as in claims 8 - 14, and means for pacing the transmission of said events to be shared as recited in claims 15 - 17 and 19 - 21.

In response to item 2 of paper no. 11, Applicants have amended independent claims 1, 8, and 15. The claims, as amended, particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

In response to item 3 of paper no. 11, Applicants have amended the preamble of claim 8 in accordance with the Examiner's suggestion.

In response to item 4 of paper no. 11, Applicants have amended independent claims 1, 8, and 15. Independent claims 1, 8, and 15 include subject matter that is not disclosed, taught, or suggested by the proposed combination of *Goldszmidt* in view of *Carmel*.

In response to item 5 of paper no. 11, Applicants respectfully submit that pending claims 5 - 7, 12 - 14, and 19 - 21, which depend either directly or indirectly from independent claims 1, 8, and 15, respectively include subject matter that is not disclosed, taught, or suggested by the proposed combination of *Goldszmidt* and *Carmel* in further view of *Black*.

Reconsideration of the pending claims is respectfully requested. Each rejection presented in the Office Action is discussed in the remarks that follow.

#### **I. Response to 35 U.S.C. §112, Second Paragraph Rejections – Claims 1 – 7, 11 – 14, and 17 - 21**

##### **A. Statement of the Rejection**

Claims 1 – 7, 11 – 14, and 17 – 21 presently stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

Regarding claim 1, the Office Action alleges there is not antecedent basis for “locally generated events;” it is unclear if “locally generated events” in line 11 is the same as “locally generated events” in line 9; and it is unclear if “echo event receive time” and “echo event transmit time” are for the “local application sharing logic” or the “remote application.”

Concerning claim 11, the Office Action alleges it is unclear if “echo event receive time” and “echo event transmit time” are for which component.

Regarding claim 17, the Office Action alleges it is unclear if “echo event receive time” and “echo event transmit time” are for which component.

## **B. Discussion of the Rejection**

Applicants foregoing amendments to claims 1, 8, and 15 particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

The preamble of claim 1 provides antecedent basis for “locally generated input events.”

The claimed local application sharing logic is configured to “transmit the locally generated input events with said echo events to said remote application.” Thus, it is clear that locally generated input events originate within the local application and are transmitted by the local application sharing logic to the remote application.

Moreover, claim 1 further recites “wherein transmission of a locally generated input event with an echo event is recorded via an echo event transmit time and receipt of the returned echo event from the at least one corresponding remote application is recorded via an echo event receive time.” Thus, it is clear that the echo event transmit time and the echo event receive time are associated with the local application sharing logic.

In accordance with claim 9, from which claim 11 depends, the local application sharing logic is further configured to receive said echo events and pace the transmission of said input events to be shared in accordance with an echo delay. As recited in amended claim 11, the echo delay comprises a difference between an echo event receive time and a respective echo event transmit time, wherein transmitting each of said echo events is associated with a respective echo event transmit time and receipt of the returned echo event from the at least one corresponding remote

application is associated with a respective echo event receive time. Thus, it is clear from the claim language of claim 9 that the echo event transmit time and the echo event receive time are associated with the local application sharing logic.

Claim 15, from which claim 17 depends, recites a means for pacing the transmission of said input events to be shared, said means for pacing responsive to an echo delay. In accordance with claim 17, the means for pacing further comprises means for calculating a difference of an echo event receive time recorded when a returned echo event is received by the means for pacing transmission and a respective echo event transmit time recorded when an echo event is transmitted to the at least one corresponding remote application, said difference representing the echo delay. Thus, it is clear from the language of claims 15 and 17 that the echo event transmit time and the echo event receive time are associated with the means for pacing the transmission of said input events.

Accordingly, Applicants respectfully submit that claims 1, 11, and 17 particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Consequently, Applicants request that the rejection of claims 1 – 7, 11 – 14, and 17 – 21 be withdrawn.

## **II. Response to 35 U.S.C. §101 Rejections – Claims 8 - 13**

### **A. Statement of the Rejection**

Claims 8 – 13 presently stand rejected under 35 U.S.C. §101 because they are allegedly directed to non-statutory subject matter.

### **B. Discussion of the Rejection**

Applicants have amended the preamble of independent claim 8 in accordance with the Examiner's suggestion to change "method" to "computer implemented method." Accordingly, claims 8 – 13 as amended are directed to statutory subject matter and the rejection should be withdrawn.

### **III. Response to 35 U.S.C. §103 Rejections - Claims 1 - 4, 8 - 11, and 15 - 17**

#### **A. Statement of the Rejection**

Claims 1 - 4, 8 - 11, and 15 - 17 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 6,195,680 to *Goldszmidt* in view of U.S. Patent No. 6,389,473 to *Carmel*.

#### **B. Discussion of the Rejection**

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

The cited references (*i.e.*, *Goldszmidt* and *Carmel*) do not show the combination of elements recited in Applicants' claimed invention. Thus, the cited references fail to meet the burden of disclosing, teaching, or suggesting each feature of Applicants' claimed invention. Consequently, for at least this reason, the rejection fails to establish a *prima facie* case of obviousness when applied to Applicants' claims 1 - 4, 8 - 11, and 15 - 17. Accordingly, the claim rejections under 35 U.S.C. §103 should be withdrawn.

Specifically, and with particular regard to the claims, each of Applicants' independent claims include at least one element or method step that is not disclosed, taught, or suggested by the client-based dynamic switching of streaming servers for fault tolerance and load balancing apparently disclosed in *Goldszmidt* and the system and method for network media streaming apparently disclosed in *Carmel*.

#### **1. Claims 1 - 4**

Applicants' amended claim 1 is directed to a system for pacing the transmission of locally generated input events from a local application that are to be shared with at least one corresponding remote application during a collaborative communication session. The system comprises a local application sharing logic coupled to the local application, said local application sharing logic configured to "transmit the locally generated input events with said echo events to said remote application, wherein transmission of a locally generated input event with an echo

event is recorded via an echo event transmit time and receipt of the returned echo event from the at least one corresponding remote application is recorded via an echo event receive time.”

In contrast with Applicants’ claimed system for pacing the transmission of locally generated input events from a local application that are to be shared with at least one corresponding remote application during a collaborative communication session, neither *Goldszmidt* nor *Carmel* disclose, teach, or suggest the transmission of locally generated input events.

*Goldszmidt* apparently discloses the streaming of real-time live audio and video clips via clustered multimedia servers.

*Carmel* apparently discloses real-time broadcasting from a transmitting computer to client computers over a network. *Carmel* describes a system that controllably segments a stream into slices. The slices are encoded in a sequence of files with a varying length responsive to the data rate of an output stream from a standard network server. Systems that broadcast real-time live audio and video and systems that broadcast a sequence of slices from a transmitting computer to a client computer do not suggest sharing input events from a local application to a remote application during a collaborative communication session. Thus, neither reference suggests a system for transmitting locally generated input events from a local application to a remote application during a collaborative communication session that “transmit the locally generated input events with said echo events to said remote application, wherein transmission of a locally generated input event with an echo event is recorded via an echo event transmit time and receipt of the returned echo event from the at least one corresponding remote application is recorded via an echo event receive time.” Accordingly, Applicants respectfully submit that the proposed combination of *Goldszmidt* and *Carmel* does not establish a *prima facie* case of obviousness with regard to Applicants’ independent claim 1. Thus, claim 1 is allowable and the rejection of claim 1 should be withdrawn.

Because claim 1 is allowable, pending dependent claims 2 - 4, which depend either directly or indirectly from claim 1, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598. (Fed. Cir. 1988.) Accordingly, Applicants respectfully request that the rejection of claims 1 - 4 be withdrawn.

**2. Claims 8 – 11**

Applicants amended claim 8 is directed to a computer implemented method for pacing the transmission of input events associated with a local application that are shared with at least one corresponding remote application during a collaborative communication session. The method comprises transmitting said input events to be shared from said local application.

Neither reference suggests Applicants' claimed method for pacing the transmission of input events during a collaborative communication session that includes the feature of transmitting said input events to be shared from said local application. Both *Goldszmidt* and *Carmel* apparently describe systems and methods for broadcasting a stream of live video and/or audio-video data. Accordingly, neither *Goldszmidt* nor *Carmel* can be said to transmit "input events." Systems and methods that broadcast data streams of live video and/or audio-video data do not suggest "transmitting said input events to be shared from said local application."

Accordingly, Applicants respectfully submit that the proposed combination of *Goldszmidt* and *Carmel* does not establish a *prima facie* case of obviousness with regard to Applicants' independent claim 8. Thus, claim 8 is allowable and the rejection of claim 8 should be withdrawn.

Because claim 8 is allowable, pending dependent claims 9 - 11, which depend either directly or indirectly from claim 8, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598. (Fed. Cir. 1988.) Accordingly, Applicants respectfully request that the rejection of claims 8 - 11 be withdrawn.

**3. Claims 15 – 17**

Applicants amended claim 15 is directed to a system for pacing the transmission of input events associated with a local application that are shared with at least one corresponding remote application during a collaborative communication session. The pacing system comprises a means for transmitting said input events to be shared from said local application, a means for inserting echo events along with said input events to be shared, and a means for pacing the transmission of said input events responsive to an echo delay.

Neither reference suggests Applicants' claimed system for pacing the transmission of input events during a collaborative communication session that

includes the features of a means for transmitting said input events, means for inserting echo events, and a means for pacing the transmission of said input events responsive to an echo delay. In this regard, the statement of the rejection alleges that *Carmel* monitors time codes or time intervals (of the respective slices of the sequence) and thus times the transfer of the files associated with the respective slices.

In contrast with the apparent teachings of *Carmel*, Applicants' claimed system transmits input events and echo events. Applicants' claimed system does not rely on the completion of the transmission of files each associated with a corresponding slice in a sequence of slices to control the timing of the transfer of files.

Both *Goldszmidt* and *Carmel* apparently describe systems and methods for broadcasting a stream of live video and/or audio-video data. Accordingly, neither *Goldszmidt* nor *Carmel* can be said to disclose, teach, or suggest Applicants' claimed means for transmitting said input events. Furthermore, *Carmel* cannot be said to disclose, teach, or suggest Applicants' claimed means for inserting echo events. Moreover, the proposed combination of *Goldszmidt* in view of *Carmel* cannot be said to disclose, teach, or suggest Applicants' claimed means for pacing the transmission of said input events responsive to an echo delay. Systems and methods that rely on the completion of the transfer of a file do not disclose, teach, or suggest pacing the transmission of input events responsive to an echo delay. Accordingly, Applicants respectfully submit that the proposed combination of *Goldszmidt* and *Carmel* does not establish a *prima facie* case of obviousness with regard to Applicants' independent claim 15. Thus, claim 15 is allowable and the rejection of claim 15 should be withdrawn.

Because claim 15 is allowable, pending dependent claims 16 and 17, which depend either directly or indirectly from claim 15, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598. (Fed. Cir. 1988.) Accordingly, Applicants respectfully request that the rejection of claims 15 - 17 be withdrawn.

#### **IV. Response to 35 U.S.C. §103 Rejections - Claims 5 - 7, 12 - 14, and 19 - 21**

##### **A. Statement of the Rejection**

Claims 5 - 7, 12 - 14, and 19 - 21 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Goldszmidt* and *Carmel* in further view of U.S. Patent No. 4942,540 to *Black*.

**B. Discussion of the Rejection**

The cited references (*i.e.*, *Goldszmidt*, *Carmel* and *Black*) do not show the combination of elements recited in Applicants' claimed invention. Thus, the cited references fail to meet the burden of disclosing, teaching, or suggesting each feature of Applicants' claimed invention. Consequently, for at least this reason, the rejection fails to establish a *prima facie* case of obviousness when applied to Applicants' claims 5 - 7, 12 - 14, and 19 - 21. Accordingly, the claim rejections under 35 U.S.C. §103 should be withdrawn.

As discussed above regarding the patentability of Applicants' claims 1 - 4, 8 - 11, and 15 - 17, the combination of *Goldszmidt* and *Carmel* does not disclose, teach, or suggest each feature of amended independent claims 1, 8, and 15. Without acquiescing to the alleged teachings of *Black*, Applicants' respectfully submit that the proposed combination of *Goldszmidt*, *Carmel* and *Black*, upon which the Office Action relies in rejecting claims 5 - 7, 12, - 14, and 19 - 21, fails to disclose, teach, or suggest Applicants' claimed inventions for at least the reason that the proposed combination of *Goldszmidt* and *Carmel* does not disclose, teach, or suggest each feature of amended independent claims 1, 8, and 15. Accordingly, dependent claims 5 - 7, 12 - 14, and 19 - 21, which depend from claims 1, 8, and 15, respectively are allowable and the rejection should be withdrawn.

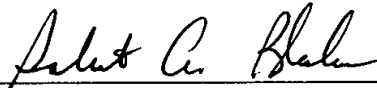


**CONCLUSION**

In summary, Applicants respectfully request that all outstanding claim rejections be withdrawn. Applicants respectfully submit that presently pending claims 1 - 17 and 19 - 21 are allowable over the cited art of reference and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicants' response or believe that a teleconference would expedite prosecution of the pending claims, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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